

PATENT
Attorney Docket No. 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:) Confirmation No.: 8295
Gary K. Michelson)
Serial No.: 09/921,844) Group Art Unit: 3738
Filed: August 3, 2001) Examiner: Bruce E. Snow
For: SPINAL IMPLANT SURFACE)
CONFIGURATION)

DEC 29 2009

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

I, Gary K. Michelson, state that I am the named inventor of the above-identified application and am the sole inventor of the subject matter described and claimed therein.

The present application claims priority to U.S. Application No. 09/457,228 (the "228 application") under 35 U.S.C. § 120. The '228 application was filed on December 8, 1999.

Prior to November 24, 1999, I reduced to practice in this country the invention as described and claimed in the above-identified application. Attached as Exhibit A is a drawing sheet of Figs. 12-15 prepared prior to November 24, 1999. Figs. 12-15 show different views of a surface configuration having a rearward facet which is "back cut." The surface configuration shown in Exhibit A was machined on my directions and in my possession prior to November 24, 1999.

Application No. 09/921,844
Declaration under 37 C.F.R. § 1.131
Reply to Office Action of July 1, 2009

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: 12/18/09


By: 
Gary K. Michelson

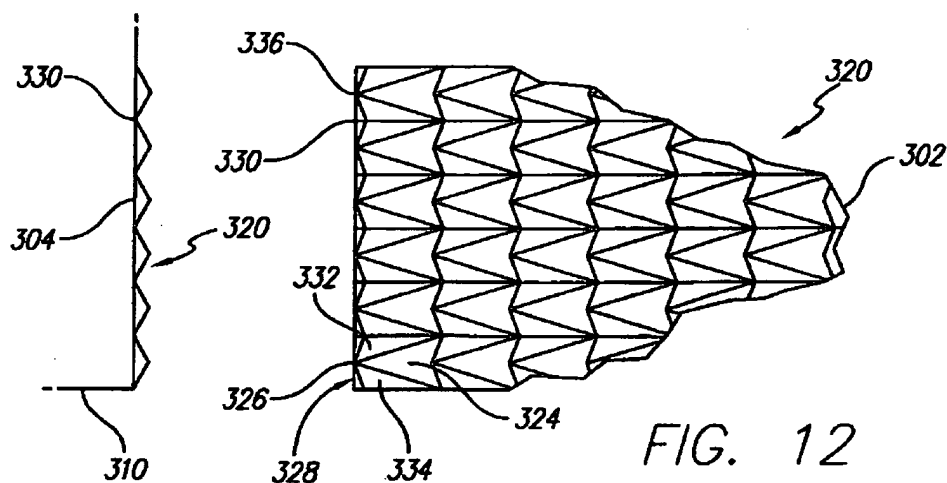
EXHIBIT A**Copy of Figs. 12-15 Prepared Prior to November 24, 1999**

FIG. 14

